

Alan L. Joscelyn
GOUGH, SHANAHAN, JOHNSON,
& WATERMAN, PLLP
33 S. Last Chance Gulch
Helena, MT 59601
Tel: 406-442-8560
Email: alj@gsjw.com

David A. Handzo
JENNER & BLOCK LLP
1099 New York Avenue NW Suite 900
Washington, DC 20001
Tel: 202-639-6000
Email: dhandzo@jenner.com

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA,
BILLINGS DIVISION

)
NEIL DEERING, individually,) Case No. CV-10-63-BLG-RFC
and on behalf of himself and all)
others similarly situated,)
Plaintiff,) DEFENDANTS' PARTIAL
v.) MOTION TO DISMISS
CENTURY TEL, INC., a Louisiana) COUNTS I AND II OF
corporation, CENTURYTEL) PLAINTIFF'S COMPLAINT
BROADBAND SERVICES, LLC, a)
Louisiana corporation, and)
CENTURYTEL SERVICE GROUP,)
LLC, a Louisiana corporation,)
Defendants.)
)

DEFENDANTS' PARTIAL MOTION TO DISMISS
COUNTS I AND II OF PLAINTIFF'S COMPLAINT

Defendants CenturyTel, Inc., CenturyTel Broadband Services, LLC, and CenturyTel Service Group, LLC (collectively, "Defendants or CenturyTel"),¹ hereby move for dismissal with prejudice of Counts I and II of Plaintiff's Complaint for failure to state claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff's counsel was contacted and does not consent to the motion. This motion is supported by a Brief In Support of Defendants' Partial Motion to Dismiss Counts I and II of Plaintiff's Complaint.

WHEREFORE, for the foregoing reasons and those given by the Brief In Support of Defendants' Partial Motion to Dismiss Counts I and II of Plaintiff's Complaint, Defendants hereby move to dismiss Counts I and II of Plaintiff's Complaint with prejudice.

Dated: January 25, 2011

Respectfully submitted,

/s/ Alan L. Joscelyn

Alan L. Joscelyn
GOUGH, SHANAHAN, JOHNSON
& WATERMAN, PLLP

¹ In Defendants' Answer, CenturyTel, Inc. denied that this Court has personal jurisdiction over it. CenturyTel, Inc. is merely a holding company and has no contacts in Montana. References to "CenturyTel" in this partial motion to dismiss should not be understood as admissions that CenturyTel, Inc. had any connection whatsoever with the conduct alleged in the Complaint and such references do not thereby waive CenturyTel, Inc.'s argument that this Court lacks personal jurisdiction over it.

33 S. Last Chance Gulch
Post Office Box 1715
Helena, Montana 59624-1715
Ph. 406-442-8560
Fax 406-442-8783
alj@gsjw.com

David A. Handzo
JENNER & BLOCK LLP
1099 New York Avenue, N.W.
Suite 900
Washington, D.C. 20001-4412
Ph. (202) 639-6085
Fax (202) 661-4853
DHandzo@jenner.com